

Appl. No. 09/911,177
Amdt. dated September 10, 2004
Reply to Office Action of June 28, 2004

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Claims 1-4, 6-10, 12, and 14-19 are pending in the application with claims 5, 11, and 13 having been canceled, claims 1-4, 6, and 7 having been currently amended, and new claims 14-19 having been added.

Claims 1-4, 6-10, and 12 have been rejected under 35 U.S.C. § 1.112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention.

Specifically, according to the Examiner: "Applicants' claim language 'decomposition product' is indefinite. It is unclear as to exactly how this language further limits the claim. The decomposition product would be different depending upon the conditions under which the peroxide is actually decomposed. This is to say that the language is not limited as to specifically identify the metes and bounds of the claim."

It is noted that this rejection has not been applied to claims 5, 11, and 13. The features of claim 5 have been incorporated into claim 1, and the features of claim 11 have been incorporated into claim 7. All the claims remaining in the application are dependent, directly or indirectly, on claim 1 or 7. Accordingly, it is requested that the rejection of claims 1-4, 6-10, and 12 under 35 U.S.C. § 1.112, second paragraph, be withdrawn.

Claims 1-13 have been rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over European Patent Application 853090.

European Patent Application 853090 discloses the use of di-amyl peroxide to reduce the molecular weight and narrow the molecular weight distribution of polypropylene thus improving its processability.

The problem faced by the present inventors was how to provide propylene polymers and copolymers having improved organoleptic qualities for use in applications where such qualities are of significant importance. As pointed out in the paragraph bridging pages 7 and 8 of the specification, shaped articles wherein the agreeable odor characteristics afforded according to the present invention are particularly valuable include food contact and medical applications, such as packaging films, candy wrappers, bottles and containers for foods and pharmaceuticals, and medical syringes, for which the physical properties including lightness, resistance to cracking, and thermal resistance, combined with ease of processing and favorable economics make propylene polymers the materials of choice. Particularly preferred are shaped articles characterized by a high surface to volume ratio, such as films, where agreeable odor characteristics are especially important. All of the claims pending in the application are directed to articles for use in the food and medical fields made from such improved polypropylenes and to a method for their manufacture. EP 853090 neither discloses nor suggests that the improved polypropylene made in the manner disclosed in this application would have improved organoleptic properties, nor that it could beneficially be used in the manufacture of articles for food contact and articles for medical applications.

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It is therefore requested that the rejection of claims 1-13 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over European Patent Application 853090, be withdrawn.

In view of the foregoing, it is submitted that this application is now in condition for allowance and an early Office Action to that end is earnestly solicited.

Respectfully submitted,

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